REMARKS

In view of the above amendment and the following remarks, reconsideration and further examination are requested.

Initially, it is once again requested that the Examiner acknowledge the claim for foreign priority (claimed in the Declaration filed August 29, 2006) and the receipt of the certified copy of the foreign priority document (present in the Image File Wrapper dated August 29, 2006).

Upon entry of the present amendment, claims 1, 3, 4, 8, 10-12, and 14-19 are pending.

Claims 1, 3-8, 10, 11, and 15-18 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The undersigned spoke with the Examiner at length on December 17, 2010 about this rejection, and has amended the claims in order to address the Examiner's concerns. Specifically, the claims have been amended to recite a processor and, where appropriate, that certain units utilize the processor. Also, the language "operable to" has been replaced with the language "configured to." It is believed that the claims as amended are definite under 35 U.S.C. § 112, second paragraph.

Claims 1, 3-8, 10-12, and 14-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hori (US 2003/0105835) in view of Chakravorty (US 7,139,372). This rejection is traversed and is inapplicable to the claims as amended.

Hori (US 2003/0105835) discloses an invention of reducing a required time for downloading by determining an access point where traffic is not congested in downloading music data by using a mobile telephone. The mobile telephone in Hori receives, from a download server, encrypted content data and license information necessary for reproducing the encrypted content data. Specifically, Hori discloses in paragraph 0039 that it is possible to separately transmit the encrypted content data and the license information. Hori also discloses that at least the license information may be downloaded from the download server, and the encrypted content data may be obtained from another medium, such as a CD. Thus, although the invention of Hori aims to restrain a telephone charge concerning the download, a charge for the music data itself and a settlement method for the music data are not considered in Hori.

Accordingly, Hori does not disclose or suggest the limitations in claims 1, 3, 12, and 14 directed to receiving (i) the content usage information including a usage right for the content and charge information showing a usage amount of the content, and (ii) an identifier that identifies a

provider of the content; a generating settlement request information including the charge information and the identifier; and transmitting the generated settlement request information to a settlement apparatus of a communications enterprise that provides communication service to the information terminal.

In addition, Hori does not disclose or suggest the limitations of claims 1, 3, 12, and 14 directed to storing identification information that identifies an apparatus permitted to receive the content usage information from the information terminal; judging whether or not to transfer the content usage information to a content usage apparatus that is the request-source and to use the content by comparing the identification information stored in the storage unit with identification information that identifies the content usage apparatus; and transferring the content usage information to the content usage apparatus in a case in which a result of the judgment by the judgment unit is affirmative.

Chakravorty (US 7,139,372) discloses an invention related to downloading digital contents using a mobile device. Chakravorty discloses that, in place of the content provider, the download server charges a user for content (Column 4,30 to 32 lines, column 9, 49 to 59 lines). The download server in Chakravorty does not judge whether or not to permit the proxy settlement according to a usage amount of the content and a provider of the content. The download server in Chakravorty would perform proxy settlement for content even when the usage amount of the content is large or when the provider of the content is not trusted. However, Chakravorty does not provide the disclosure missing from Hori of the recitations of claims 1, 3, 12, and 14 discussed in detail above.

In view of the distinctions discussed above, it is submitted that no obvious combination of Hori and Chakravorty would have resulted in the inventions recited in claims 1, 3, 12, and/or 14. Accordingly, it is submitted that claims 1, 3, 4, 8, 10-12, and 14-19 are allowable over the prior art of record.

Based on the above, it is submitted that the present application is in condition for allowance. The Examiner is invited to contact the undersigned by telephone should there be any remaining issues.

Respectfully submitted,

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